

REMARKS

Claims 1-15 and 17-31 remain pending in the present application. Claim 16 has been cancelled. Claims 1, 18 and 19 have been amended. Claims 24-31 are new. Basis for the amendments and new claims can be found throughout the specification, claims and drawings originally filed.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-4, 7-10, 12-13, 15 and 17-23 are rejected under 35 U.S.C. § 102(b) as being anticipated by Linquist, et al. (U.S. Pat. No. 5,361,399, hereinafter Linquist).

Claim 1 recites that the first communication device transmits a first request signal for requesting download of data to the second communication device, and the second communication device transmits data attribute information indicative of contents of said data to said first communication device after reception of the first request signal.

Unlike Claim 1, in Linquist et al. ('399), the first request signal is not transmitted from the first communication device (14) to the second communication device (38/24) to receive the data attribute information from the second communication device (38/42). Instead, the data attribute information is transmitted from the second communication device (38/42) to the first communication device (14) without requiring reception of the first request signal from the first communication device (14). This point is clearly illustrated in the ABSTRACT of Linquist et al. ('399). That is, in Linquist et al. ('399), the data attribute information is prepared at the master station (13) when a request in a form of "the information" is received from a source (12). Then, the data attribute information is broadcasted from the master station (13) to the second communication

device (38/42). Thereafter, the second communication device (38/42) broadcasts the data attribute information to the first communication device (14) without requiring any request for downloading the data attribute information from the first communication device (14). This point is also illustrated in column 4, lines 67-68 in Linquist et al. ('399). That is, in Linquist et al. ('399), the data attribute information is sent out on a polling channel to which each of the first communication devices (14) is tuned. More specifically, each first communication device (14) can receive the data attribute information prepared by the master station (13) through the polling channel, which always communicates between the first communication device (14) and the second communication device (38/42), whenever the data attribute information is available in the second communication device (38/42).

Also, in Linquist et al. ('399), the data is stored in the source (12), and the data attribute information is generated in the master station (13) and is transmitted to the second communication device (38/42), as recited above. Unlike Linquist et al. ('399), the second communication device of amended Claim 1 stores both the data and the data attribute information. Thus, in Claim 1, there is no need to provide the additional master station (13) for generating the data attribute information. This is also true in other rejected claims.

Claim 1 further recites that the first communication device selects one of a plurality of communication systems based on the data attribute information after reception of the data attribute information. However, Linquist et al. ('399) does not explicitly teach the selection of one of the communication systems by the first communication device (14) based on the data attribute information. More specifically,

column 7, lines 10-14 and column 21, lines 25-39 of Linquist et al. ('399) only teaches use of a high data rate or low data rate communication link in accordance with message information (the data attribute information), which indicates that the data can be transmitted over the high data rate or low data rate communication link. In other words, the first communication device (14) does not select one of the high data rate communication link and the low data rate communication link based on the data attribute information. That is, the communication device (14) merely uses the high data rate or low data rate communication link by following the message information (the data attribute information).

Thus, Applicants believe Claim 1, as amended, patentably distinguishes over the art of record. Likewise, Claims 2-4, 7-10, 12-13 and 15, which ultimately depend from Claim 1, are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

Regarding Claims 17 and 21, each of claims 17 and 21 recites a data attribute information transmitter that transmits the data attribute information in response to reception of the first request signal. As discussed above with respect to claim 1, in Linquist et al. ('399), the data attribute information is not transmitted in response to reception of the first request signal. Furthermore, claim 21 further recites an attribute adder that adds data attribute information indicative of download time determined based on contents of the data. The attribute information of Linquist et al. ('399) is not indicative of the download time.

Thus, Applicants believe Claims 17 and 21, as originally filed, patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

Regarding Claim 18, Claim 18 recites a first receiving means that receives data attribute information indicative of contents of the data from the second communication device after transmission of the first request signal. As discussed above, in Linquist et al. ('399), the data attribute information is not received after transmission of the first request signal.

Thus, Applicants believe Claim 18, as amended, patentably distinguishes over the art of record. Reconsideration of the rejection is respectfully requested.

Regarding Claim 19, Claim 19 recites the receiving of data attribute information indicative of contents of the data from the second communication device after transmission of the first request signal. As discussed above, in Linquist et al. ('399), the data attribute information is not received after transmission of the first request signal.

Thus, Applicants believe Claim 19, as amended, patentably distinguishes over the art of record. Reconsideration of the rejection is respectfully requested.

Regarding Claim 20, Claim 20 recites the transmitting of data attribute information from the second communication device to the first communication device after reception of the first request signal, and the data attribute information is indicative of download time determined based on contents of said data. In Linquist et al. ('399), the data attribute information is not transmitted in response to reception of the first request signal. Furthermore, the attribute information of Linquist et al. ('399) is not indicative of the download time.

Thus, Applicants believe Claim 20, as originally filed, patentably distinguishes over the art of record. Reconsideration of the rejection is respectfully requested.

Regarding Claim 22, Claim 22 recites a first receiving means that receives data attribute information from the second communication device after transmission of the first request signal, and the data attribute information is indicative of download time determined based on contents of the data. As discussed above, in Linquist et al. ('399), the data attribute information is not received after transmission of the first request signal. Furthermore, the attribute information of Linquist et al. ('399) is not indicative of the download time.

Thus, Applicants believe Claim 22, as originally filed, patentably distinguishes over the art of record. Reconsideration of the rejection is respectfully requested.

Regarding Claim 23, Claim 23 recites the receiving of data attribute information from the second communication device after transmission of the first request signal, and the data attribute information is indicative of download time determined based on contents of the data. As discussed above, in Linquist et al. ('399), the data attribute information is not received after transmission of the first request signal. Furthermore, the attribute information of Linquist et al. ('399) is not indicative of the download time.

Thus, Applicants believe Claim 23, as originally filed, patentably distinguishes over the art of record. Reconsideration of the rejection is respectfully requested.

Claim 16 is rejected under 35 U.S.C. § 102(e) as being anticipated by Dillon, et al. (U.S. Pat. No. 6,115,750, filed 12-18-1998, hereinafter Dillion). Claim 16 has been cancelled without prejudice. Reconsideration of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 5-6, 11 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Linquist in view of Toyodo (U.S. Pat. No. 6,335,966, B1, filed 9-1-1999, hereinafter Toyodo). Claims 5, 6, 11 and 14 ultimately depend from Claim 1. As stated above, Claim 1 has been amended and is now believed to patentably distinguish over the art of record. Thus, Claims 5, 6, 11 and 14 are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

NEW CLAIMS

New Claims 24-31 are dependent claims each of which Applicants believe properly further limit one of the currently pending independent claims and are thus believed to be allowable.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the

Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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